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To: Microsoft ATR
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Subject: Microsoft Settlement

The United States Department of Justice and eighteen state attorneys general have joined in suing Microsoft Corporation for violation of the Sherman Antitrust Act. Recently, the Department of Justice and nine state attorneys general have reached a settlement agreement with Microsoft. Under the Tunney Act, the Department of Justice is seeking public comment on the settlement.

For many reasons, I am convinced that this entire lawsuit has been, from the beginning, unfair, unjust, and enormously damaging, not just to Microsoft, but to countless people, both in the United States and abroad, and to our economy. The settlement terms would allow the corporate structure of Microsoft to remain intact, and permit Microsoft to remain in control of its intellectual property, and the source code for the products it depends on. The terms of the settlement focus on Microsoft's business relationships with OEMs, and the terms of Microsoft's licensing agreements with them, rather than on its organizational structure and the nature of the technology itself. Therefore, its impact on Microsoft's products and technologies, and the many who depend on them, will be minimized. As such, it is an excellent opportunity to end this ruinous litigation, and the harm that it is doing to the American people, and to our economy. The reasons that this litigation is so harmful are many.

As a consumer, I feel this lawsuit is misguided. The lawsuit alleges that Microsoft Corporation has harmed consumers by illegal use of monopoly power. By my own choice, I spend about a thousand dollars a year on Microsoft software. I could just as easily have bought software from other vendors. Often software from competing vendors is significantly more expensive than software from Microsoft. Often Microsoft's software is significantly easier to use than competitors' products, or offers more capabilities, and versatility. I therefore fail to see how I have been harmed.

As a citizen, I understand and realize that everyone, including corporations, must abide by the laws, whatever the consequences. However, there is nothing that Microsoft Corporation has done that other large companies in the United States do not routinely do. Large mergers and large, high-stakes investments take place so routinely that they go unnoticed by most people. Corporate rivals cut deals with each other all the time for licensing of technology, advertising space, and endorsements. Companies make deals with others all the time to get favorable pricing and market exposure from each other and effectively handicap rivals. But only Microsoft Corporation is being sued for such activities.

As an employee of a software producer, I understand the hurt companies feel when their products, developed at great expense in time and capital, are shouldered out of the marketplace. I understand that companies such as Netscape and Apple, whose products lost to Microsoft Corporation, feel very bitter about it. However, losing in such a manner is the risk all players in a free market economy must accept. Rivals in the marketplace always try to best one another, in the quest to succeed, and survive. Some will win, but some will lose. Going into business means you must, right from the beginning, face up to your rivals. Nobody is given a "grace period" in the marketplace.

As a professional software developer of Windows software, my success is directly tied to the success of the Windows platform. Every new feature added to the operating system is one new feature available to developers of Windows software. It is precisely such additions that have enabled independent developers to create more powerful software with greater ease. Microsoft Corporation has been accused of "bundling" its Web browser into the operating system to squash competition. However, it has been this "bundling" that has allowed developers of Windows software, without any additional costly tools, without any additional software the end user had to buy, to add rich Internet capability to their software. With one stroke, all the capabilities of the Internet were opened up to all Windows developers, not just those investing in costly additional tools or those developing the functionality on their own, at a great expense in time. This has significantly contributed to Windows' success, both for end users and developers: enabling everyone to do more with less.

It has often been pointed out that Microsoft Windows runs ninety percent of all personal computers. Many developers of software are developing for the Windows Platform. In addition, a great many system integrators, technical support workers, Web site designers, and countless other technology workers our economy is increasingly depending on are involved with the Windows platform. If the Windows platform is harmed, all of these people, both in the United States and abroad, will be similarly harmed. All of the remedies that have been proposed as alternatives to the settlement would hurt the Windows platform and all those involved with it.

Some are seeking to break up Microsoft into separate companies, one for operating system products, one for desktop applications, and one for Internet products and services. As mentioned previously, the ability both to integrate products, and allow them to seamlessly interoperate, is precisely what has helped to make Windows and its software both powerful and easier to use for increasingly sophisticated tasks. Such a proposed "remedy" would, by definition, destroy many possibilities for such integration.

Others have proposed breaking Microsoft into several equal parts, each with the rights to all products. This would be a catastrophe. Instead of one, there would be multiple versions of each Microsoft product. They would evolve separately, and inevitably develop differing feature sets, and requirements, and incompatibilities would emerge. How is the consumer supposed to choose which version to buy? Developers would have to worry about not one, but several, Windows, and so development and technical support and system administrative costs would skyrocket. Incompatibility issues would multiply, and computer use would needlessly become much more complicated.

It has been suggested that the source code for Windows should be freely available to the public, allowing any company to develop its own versions of Windows. This would lead to an unlimited number of Windows, which would ultimately evolve differing feature sets, leading to the same disaster as described previously. The Unix operating system, whose source code is freely available, is a case in point. There are many "flavors" of Unix, each of which is supposed to be compatible. But in practice none of them are fully compatible.

Regulations defining what features Microsoft Corporation may and may not add to which products have been proposed. However, as previously mentioned, the integration of features into the operating system is one of the key aspects of Windows that have made it successful, and increased the abilities of its users with lower costs.

The lawsuit against Microsoft threatens to harm much more than Microsoft Corporation. It threatens to harm the many people who use, depend on, and have succeeded because of the Windows platform. It threatens the consumer, the very group the lawsuit purports to protect. It already has done harm through large amounts of taxpayer money spent on it, technological stock market losses that arose directly and indirectly from it, and delays in the release of critically needed software. Therefore, as a consumer, as a software developer, and as a Windows user, I implore all those involved to take the opportunity the settlement offer presents to end this lawsuit, before it does any more harm.

Sincerely yours,

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